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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,188	04/01/2004	Katsumi Nishijima	8001-1195	6415

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EXAMINER	
WENDELL, ANDREW	
ART UNIT	PAPER NUMBER
2618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/814,188	NISHIJIMA ET AL.	
	Examiner	Art Unit	
	Andrew Wendell	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-7, 18-19, and 24-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US Pat Pub# 2006/0063570) in view of Gauld et al. (US Pat Pub# 2004/0198435).

Regarding claim 1, Nishimura's portable apparatus teaches a mobile terminal 100 (Fig. 1), comprising a control unit 99 (Fig. 1; Section 0033; obvious there is a control unit to have communication); a display unit 54 and 4 (Fig. 1); an upper housing 51 (Fig. 1); a lower housing 2 (Fig. 1); and a 2-axis hinge unit 3 and 11 (Fig. 3) for coupling the housings 2 and 51 (Fig. 1); wherein a part of the 2-axis hinge unit 2 and 51 (Fig. 2) is exposed outside the terminal 1, 4, and 6 (Fig. 2), and an information input device 4 and 6 (Fig. 2) is mounted in the exposed portion. Nishimura fails to teach a pointing device and a control unit.

Gauld's camera integration on a mobile device teaches a pointing device 17 (Fig. 1) and a control unit 104 (Fig. 4).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a pointing

device as taught by Gauld into Nishimura's portable apparatus in order to provide an intuitive user interface (Sections 0013-0014).

Regarding claim 2, the combination including Gauld teaches wherein the control unit 104 (Fig. 4) controls the terminal according to an operation of the information input device 16 (Fig. 2).

Regarding claim 3, the combination including Gauld teaches wherein the control unit 104 (Fig. 4) assigns a predetermined function to the information input device (Section 0015).

Regarding claim 5, the combination including Gauld teaches wherein the control unit 104 (Fig. 4) assigns another operating function to the pointing device 17 (Fig. 1 and Sections 0024 and 0044).

Regarding claim 6, the combination including Gauld teaches wherein the information input device 17 (Fig. 1) further comprises a terminal operating function (Section 0024).

Regarding claim 7, the combination including Gauld teaches wherein the terminal operating function is performed by a press (Section 0024). Note, the user has to perform the function, so a press or some pressure has to be performed for a user to have function.

Regarding claim 18, the combination including Gauld teaches wherein the control unit detects an operation of a predetermined operation key to control an operation of the information input device (Section 0015).

Regarding claim 19, the combination including Gauld teaches wherein the control unit controls an operation of the information input device while a predetermined operation key is operated (Section 0015).

Regarding claim 24, the combination including Nishimura teaches wherein the terminal is a mobile telephone 100 (Fig. 1).

Regarding claim 25, the combination including Nishimura teaches wherein the two axes of the 2-axis hinge are a folding axis and a rotation axis (Fig. 3), the upper housing 51 (Fig. 3), the lower housing 2 (Fig. 3) and the 2-axis hinge being constructed and arranged so that an end face of the 2-axis hinge on the horizontal axis is exposed to an outside of the mobile terminal both when the mobile terminal is in an open position and when the mobile terminal is in a closed position (Figs. 2, 5, and 7).

Regarding claim 26, the combination including Nishimura teaches wherein the end face is exposed on a side face of the lower housing (Fig. 3).

Regarding claim 27, the combination including Nishimura teaches wherein the information device is arranged on the end face of the 2-axis hinge (Figs. 3 and 5).

Regarding claim 28, Nishimura teaches a lower housing 2 (Fig. 3); a 2-axis hinge 11 and 3 (Fig. 3) the connected to the lower housing 2 (Fig. 3); an upper housing 51 (Fig. 3) connected to the 2-axis hinge 3 and 11 (Fig. 3); a display unit 54 (Fig. 3) disposed on the upper housing 51 (Fig. 3); a control unit 99 (Fig. 1; Section 0033; obvious there is a control unit to have communication); and wherein a part of the 2-axis hinge unit 3 and 11 (Fig. 3) is exposed outside the terminal 4 (Fig 3) and 6 (Fig. 5), the

information input device 4 (Fig 3) and 6 (Fig. 5) is mounted in the exposed portion. Nishimura fails to teach a button and a control unit.

Gauld teaches a button 16 (Fig. 4) or 17 (Fig. 1) operatively connected to the control unit 104 (Fig. 4) for user input.

3. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US Pat Pub# 2006/0063570) in view of Gauld et al. (US Pat Pub# 2004/0198435) and further in view of Schmitt et al. (US Pat# 6,088,585).

Regarding claim 8, Nishimura's portable apparatus in view of Gauld's camera integration on a mobile device teaches the limitations in claim 1. Nishimura and Gauld fail to teach a fingerprint sensor.

Schmitt's portable telecommunication device including a fingerprint sensor teaches a fingerprint sensor 30 (Fig. 14).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a fingerprint sensor as taught by Schmitt into a pointing device as taught by Gauld into Nishimura's portable apparatus in order to increase security and reliability (Col. 3 lines 3-11).

Regarding claim 9, the combination including Schmitt teaches wherein the control unit 207 (Fig. 15) can operate the terminal 190 (Fig. 15) when the fingerprint sensor 30 (Fig. 15) detects a predetermined input.

4. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US Pat Pub# 2006/0063570) in view of Gauld et al. (US Pat Pub# 2004/0198435) and further in view of Kim (US Pat# 6,621,066).

Regarding claim 10, Nishimura's portable apparatus in view of Gauld's camera integration on a mobile device teaches the limitations in claim 1. Nishimura and Gauld fail to teach position detection means.

Kim's optimizing opening and closing control of a sub-body in automatic and manual folder type mobile communication terminals teaches position detection means 236, 238, 300 and 302 (Fig. 4) for detecting relative positions between the upper housing and the lower housing

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a sensor detection means as taught by Kim into a pointing device as taught by Gauld into Nishimura's portable apparatus in order to have a more efficient and precise control for opening or closing the sub-body folder upon using of the terminal (Col. 1 lines 51-61).

Regarding claim 11, Kim further teaches wherein the control unit 200 (Fig. 3) controls the terminal based on an output of the position detection means 236 and 238 (Fig. 3).

Regarding claim 12, Gauld further teaches wherein the control unit 104 (Fig. 4) controls an operation of the information input device 16 (Fig. 4).

Regarding claim 13, Kim further teaches wherein the position detection means comprise a magnet 300 and 302 (Fig. 4) and a magnetic sensor 236 and 238 (Fig. 4).

Regarding claim 14, Kim further teaches wherein the magnet 300 and 302 (Fig. 4) and the magnetic sensor 236 and 238 (Fig. 4) are arranged in separate housings (Fig. 4).

Regarding claim 15, Kim further teaches wherein the magnetic sensor is a Hall element (Fig. 4).

Regarding claim 16, Kim further teaches wherein the position detection means detect a turning direction of the housings (Col. 2 line 1-Col. 3 line18).

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US Pat Pub# 2006/0063570) in view of Gauld et al. (US Pat Pub# 2004/0198435) and further in view of Kim (US Pat# 6,621,066) and further in view of Ikeda et al. (US Pat# 6,957,083).

Regarding claim 17, Nishimura's portable apparatus in view of Gauld's camera integration on a mobile device and further in view of Kim's optimizing opening and closing control of a sub-body in automatic and manual folder type mobile communication terminals teaches the limitations in claims 1, 10, and 16. Nishimura, Kim, and Gauld fail to teach a control unit controls the display unit based on the turning direction of the housings.

Ikeda's mobile telephone teaches wherein the control unit controls the display unit based on the turning direction of the housings (Col. 1 line 57-Col. 2 line 44 and Col. 3 line 41-Col. 5 line 60).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a control unit controls the display unit based on the turning direction of the housings as taught by Ikeda into a sensor detection means as taught by Kim into a pointing device as taught

by Gauld into Nishimura's portable apparatus in order to make using the camera easier to use (Col. 1 lines 42-56).

6. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura (US Pat Pub# 2006/0063570) in view of Gauld et al. (US Pat Pub# 2004/0198435) and further in view of Wada et al. (US Pat Pub# 2003/0174240).

Regarding claim 20, Nishimura's portable apparatus in view of Gauld's camera integration on a mobile device teaches the limitations in claim 1. Nishimura and Gauld fail to teach a lock unit.

Wada's mobile telephone teaches a lock unit for locking the 2-axis hinge unit (Section 0055).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a lock unit as taught by Wada into a pointing device as taught by Gauld into Nishimura's portable apparatus in order to increase security (Section 0017 and 0056).

Regarding claim 21, Wada further teaches wherein the lock unit is controlled by an input from the information input device (Section 0055).

Regarding claim 22, Wada further teaches wherein the information input device is a personal authentication sensor (Section 0055); and the lock unit is released when the sensor detects a predetermined input (Section 0055).

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeda et al. (US Pat# 6,957,083) in view of Wada et al. (US Pat Pub# 2003/0174240) and further in view of Schmitt et al. (US Pat# 6,088,585).

Regarding claim 23, Nishimura's portable apparatus in view of Gauld's camera integration on a mobile device and further in view of Wada's mobile telephone teaches the limitations in claims 1 and 20-22. Nishimura, Gauld, and Wada fail to teach a fingerprint sensor.

Schmitt's portable telecommunication device including a fingerprint sensor teaches a fingerprint sensor 30 (Fig. 14).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a lock unit as taught by Wada into a fingerprint sensor as taught by Schmitt into a pointing device as taught by Gauld into Nishimura's portable apparatus in order to increase security and reliability (Col. 3 lines 3-11).

Response to Arguments

8. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Wendell
Examiner
Art Unit 2618

4/11/2007

NAY MAUNG
SUPERVISORY PATENT EXAMINER